

FILED

JAN 13 2006

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United States District Court

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

NORTHERN DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA
V.

RODRIGUEZ-Rivera, Jose Manuel

E-Filing
CRIMINAL COMPLAINT

CASE NUMBER: **06 70021 PVT**

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than May 29, 2005, in Santa Clara County in the Northern District of California defendant(s) WAS, (Track Statutory Language of Offense)

found to be unlawfully present in the United States after prior arrest and deportation, without the permission of the Attorney General or the Secretary of Homeland Security,

in violation of Title 8 United States Code, Section(s) 1326 (a).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant / government will request detention.

APPROVED AS TO FORM:

Supan Kuy A
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

[Signature]
Signature of Complainant

Sworn to before me and subscribed in my presence,

January 13, 2006 at San Jose, California
Date City and State

Patricia V. Trumbull
United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

RE: Jose Manuel RODRIGUEZ-Rivera

A21 543 479

I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) and have been employed with that agency and its predecessor, the Immigration and Naturalization Service, since May 15, 1989. I am currently assigned to Operation Predator, which targets criminal aliens, within the United States, who have been convicted of crimes of violence, sexual abuse or sexual deviancy within the jurisdiction of the San Jose, California ASAC-office. In such capacity, I have identified the above named individual as an alien who has suffered numerous criminal offences including offences of a sexual nature, within the State of California, which make him amenable to an Operation Predator arrest. In addition I have reviewed the official immigration file relating to the above named individual, and attests to the following:

- (1) Jose Manuel RODRIGUEZ-Rivera is a fifty-one (51) year old male who has used ten (10) aliases and two (2) dates of birth in the past.
- (2) Mr. Jose Manuel RODRIGUEZ-Rivera has been assigned one (1) Alien Registration number of A21 543 479, an FBI number of 94127P8, a California Criminal Information Index number of A05828975 and Santa Clara County, Department of Corrections Personal Identification Number (PFN) of BJZ930.
- (3) Mr. Jose Manuel RODRIGUEZ-Rivera is a native of El Salvador and a citizen of El Salvador. Mr. Jose Manuel RODRIGUEZ-Rivera confirmed this claim of nativity and nationality in a sworn statement dated May 1, 2002, at San Jose, CA, and made before Special Agent, Percy Orum. A check through immigration records shows that he was last arrested and deported from the United States on July 2, 2002, at Eloy, Arizona.
- (4) Mr. Jose Manuel RODRIGUEZ-Rivera last entered the United States on an unknown date on or after July 2, 2002, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. Jose Manuel RODRIGUEZ-Rivera, beginning at a time unknown but no later than May 29, 2005, and continuing to the present time was found in the United States, and the State and Northern District of California. On that date Mr. Jose Manuel RODRIGUEZ-Rivera, pursuant to his arrest in San Jose, California for driving with suspended license, was encountered and identified by the San Jose Police Department. During that encounter Mr. Jose Manuel RODRIGUEZ-Rivera was photographed, fingerprinted at the Santa Clara County Jail and identified as residing at; 1411 Mt. Whitney Drive, San Jose, California. My subsequent comparison of the fingerprints taken at that time and of the known prints within Mr. Jose Manuel RODRIGUEZ-Rivera's immigration file indicates that they were taken from the same individual. On December 29, 2005 Detective Mitch Madruga of the Gilroy, California Police Department informed me that Jose Manuel RODRIGUEZ-Rivera had been encountered in Gilroy on December 26, 2005 as a suspect in an ongoing child molestation investigation. Detective Madruga also informed that Jose Manuel RODRIGUEZ-Rivera was then residing at, 7333 Rosanna Street #4, Gilroy.

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- (6) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Manuel Rivera-Rodriguez) was on September 27, 1976, convicted in United States District Court, Southern District Of California, for the offense of Illegal Entry, a violation of Title 8 USC 1325.
- (7) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Estrada Morrales) was on October 7, 1977, convicted in United States District Court, Southern District Of California, for the offense of Illegal Entry, a violation of Title 8 USC 1325.
- (8) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Manuel Rodriguez Ortega) was on September 25, 1978, convicted in United States District Court, Southern District Of California, for the offense of Illegal Entry, a violation of Title 8 USC 1325.
- (9) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Manuel Rodriguez) was on March 22, 1985, convicted in the Superior Court of California, Santa Clara County, for the offense of Indecent Exposure, a violation of Section 314.1 of the California Penal Code.
- (10) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Manuel Rodriguez) was on March 26, 1986, convicted in the Superior Court of California, Santa Clara County, for the offense of Peeping into Inhabited Dwelling, a violation of Section 647(H) of the California Penal Code.
- (11) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Manuel Rodriguez) was on March 26, 1986, convicted in the Superior Court of California, Santa Clara County, for the offense of Theft, a violation of Section 484/488 of the California Penal Code.
- (12) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Manuel Rodriguez) was on January 6, 1987, convicted in the Superior Court of California, Santa Clara County, for the offense of Solicitation of Prostitution, a violation of Section 647(B) of the California Penal Code.
- (13) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Manuel Rodriguez) was on November 5, 1992, convicted in the Superior Court of California, Santa Clara County, for the offense of Possession of Narcotic Controlled Substance, a violation of Section 11350(a) of the California Health and Safety Code.
- (14) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Manuel Rodriguez) was on December 17, 2003, convicted in the Superior Court of California, Santa Clara County, for the offense of Driving With Suspended License, a violation of Section 14601.1(A) of the California Vehicle Code.

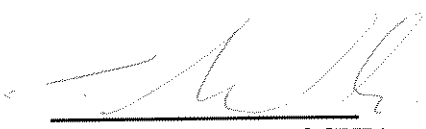
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- (15) Mr. Jose Manuel RODRIGUEZ-Rivera (AKA: Jose Rodriguez) was on February 2, 2005, convicted in the Superior Court of California, Santa Clara County, for the offense of False Identification to Police Officer, a violation of Section 148.9 of the California Penal Code.
- (16) The official Immigration file relating to Jose Manuel RODRIGUEZ-Rivera contains six (6) executed Warrants of Deportation. He was arrested and deported from the United States on the following dates:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
July 2, 2002	Eloy, AZ
February 23, 1979	Calexico, CA
October 26, 1977	Calexico, CA
October 15, 1976	Los Angeles, CA
May 28, 1976	Los Angeles, CA
June 30, 1975	Los Angeles, CA

- (17) There is no record within the official immigration file of Mr. Jose Manuel RODRIGUEZ-Rivera that he ever applied to the Attorney General or the Secretary of Homeland Security for permission to re-enter the United States.
- (18) Mr. Jose Manuel RODRIGUEZ-Rivera is currently at large and, pursuant to investigative efforts, is believed to yet be residing at 7333 Rosanna Street #4, Gilroy, California.
- (19) On the basis of the above information, there is probable cause to believe that Jose Manuel RODRIGUEZ-Rivera is in the United States in violation of Title 8 USC Section 1326(a).


 THOMAS F. ORECCHIA
 Special Agent, ICE

Subscribed and sworn to before me this 13 day of January 2006.


 PATRICIA V. TRUMBULL
 UNITED STATES MAGISTRATE JUDGE